

REMARKS

Upon entry of this Amendment, Claims 1, 4-14, 16-21, 24-32, and 35-43 will be pending in this application. Claims 2-3, 15, 22-23, and 33-34 have been canceled. Claims 1, 5, 8, 10, 11, 13, 14, 18, 19, 21, 28, 32, 38 and 39 are currently amended. Claims 40-43 are new.

Support for the new and amended Claims may be found throughout the specification including the Claims as originally filed, page 5, line 27 through page 6, line 16, and Figure 2. Thus, no new matter has been added. Applicant respectfully requests that the Examiner consider the arguments below and issue a notice of allowance.

I. CLAIM OBJECTIONS

In paragraph 1 of the Office action, the Examiner objected to Claim 32 because it contained a spelling error. By this Amendment, Applicants have corrected this spelling error, and this objection should be withdrawn.

II. INDEFINITENESS REJECTIONS

In paragraph 3 of the Office action, the Examiner has rejected Claim 8 as indefinite under 35 U.S.C. § 112, second paragraph. Applicants have amended Claim 8 to clarify the perceived ambiguity. As such, the Examiner's rejection should be withdrawn.

III. ANTICIPATION REJECTIONS

A. Anticipation Rejection over Saeki

In paragraph 5 of the Office action, the Examiner has rejected Claims 1, 4, 9, 14, 16, 17, 21, 27, 29 and 32 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,340,300 to Saeki et al. ("Saeki").

Applicant has amended independent Claims 1, 14, 21, and 32. Applicant submits that amended Claims 1, 14, 21 and 32 include limitations not disclosed by Saeki. Claim 1 recites "at least two endless opposing profile mold belts attached to a second set of rollers." Claim 14 recites "a mold cavity formed at least in part by inner surfaces of two opposed profiled mold belts attached to a first set of rollers, the profile mold belts partially in contact with inner surfaces of two substantially orthogonal sets of opposed flat belts." Claim 21 recites "a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said

first upper belt.” Claim 32 recites “a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.” None of the aforementioned limitations is disclosed by Saeki. In addition, Claims 1, 14, 21, and 32 contain other limitations not disclosed in Saeki.

Therefore, Applicant respectfully submits that amended Claims 1, 14, 21, and 32 are patentably distinguishable over Saeki. Claims 4, 9, 16, 17, 27, and 29 depend from Claims 1, 14, 21, and 32 and further define the invention defined in these claims. Thus, Claims 4, 9, 16, 17, 27, and 29 are also patentably distinguished over Saeki for at least the reasons set forth above with respect to Claims 1, 14, 21 and 32, as well as for other novel and nonobvious features recited therein.

B. Anticipation Rejection Over Kitahama

In paragraph 6 of the Office action, the Examiner has rejected claims 1, 4-6, 9, 14, 17, 21, 24, 25, 27, 29, 30, 32, 35 and 36 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2001/0009683 to Kitahama et al. (“Kitahama”). Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Applicant has amended independent Claims 1, 14, 21, and 32. Applicant submits that amended Claims 1, 14, 21 and 32 include limitations not disclosed by Kitahama. Claim 1 recites “at least two endless opposing profile mold belts attached to a second set of rollers.” Claim 14 recites “a mold cavity formed at least in part by inner surfaces of two opposed profiled mold belts attached to a first set of rollers, the profile mold belts partially in contact with inner surfaces of two substantially orthogonal sets of opposed flat belts.” Claim 21 recites “a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt.” Claim 32 recites “a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.” None of the aforementioned limitations is disclosed by Kitahama. In addition, Claims 1, 14, 21, and 32 contain other limitations not disclosed in Kitahama.

Therefore, Applicant respectfully submits that amended Claims 1, 14, 21, and 32 are patentably distinguishable over Kitahama. Claims 4-6, 9, 17, 24, 25, 27, 29, 30, 35 and 36 depend from Claims 1, 14, 21, and 32 and further define the invention defined in these claims. Thus, Claims 4-6, 9, 17, 24, 25, 27, 29, 30, 35 and 36 are also patentably distinguished over

Appl. No. : 10/764,013
Filed : January 23, 2004

Kitahama for at least the reasons set forth above with respect to Claims 1, 14, 21 and 32, as well as for other novel and nonobvious features recited therein.

C. Anticipation Rejection Over Iwata

In paragraph 7 of the Office action, the Examiner has rejected claims 1, 4, 14, 16, 17, 20, 21, 29 and 32 under 35 U.S.C. § 102(b), as anticipated by U.S. Patent No. 4,330,494 to Iwata et al. ("Iwata"). Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Applicant has amended independent Claims 1, 14, 21, and 32. Applicant submits that amended Claims 1, 14, 21 and 32 include limitations not disclosed by Iwata. Claim 1 recites "at least two endless opposing profile mold belts attached to a second set of rollers." Claim 14 recites "a mold cavity formed at least in part by inner surfaces of two opposed profiled mold belts attached to a first set of rollers, the profile mold belts partially in contact with inner surfaces of two substantially orthogonal sets of opposed flat belts." Claim 21 recites "a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt." Claim 32 recites "a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors." None of the aforementioned limitations is disclosed by Iwata. In addition, Claims 1, 14, 21, and 32 contain other limitations not disclosed in Iwata.

Therefore, Applicant respectfully submits that amended Claims 1, 14, 21, and 32 are patentably distinguishable over Iwata. Claims 4, 16, 17, 20, and 29 depend from Claims 1, 14, 21, and 32 and further define the invention defined in these claims. Thus, Claims 4, 16, 17, 20, and 29 are also patentably distinguished over Iwata for at least the reasons set forth above with respect to Claims 1, 14, 21 and 32, as well as for other novel and nonobvious features recited therein.

IV.. OBVIOUSNESS REJECTIONS

A. Obviousness Rejection Over Berner in View of Sagane et al.

In paragraph 11 of the Office action, the Examiner has rejected claims 1, 4, 5, 9, 14, 16, 17, 20, 21, 24, 27, 29, 32 and 35 under 35 U.S.C. § 103(a), as being unpatentable over U.S.

Appl. No. : 10/764,013
Filed : January 23, 2004

Patent No. 3,065,500 to Berner. Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

The cited reference Berner, alone or in combination with Sagane, does not teach or suggest each and every limitation of Claims 1, 14, 21, and 32. Applicant has amended independent Claims 1, 14, 21, and 32. Claim 1 recites "at least two endless opposing profile mold belts attached to a second set of rollers." Claim 14 recites "a mold cavity formed at least in part by inner surfaces of two opposed profiled mold belts attached to a first set of rollers, the profile mold belts partially in contact with inner surfaces of two substantially orthogonal sets of opposed flat belts." Claim 21 recites "a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt." Claim 32 recites "a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors." None of the aforementioned limitations is disclosed or suggested by the combination of Berner and Sagane. In addition, Claims 1, 14, 21, and 32 contain other novel and nonobvious limitations not disclosed by the combination of Berner and Sagane. Moreover, there is no suggestion in either reference to modify the disclosed subject matter to arrive at the invention recited in amended Claims 1, 14, 21, and 32.

Accordingly, Applicants respectfully submit that Claims 1, 14, 21 and 32 are allowable over Berner in view of Sagane. Claims 4, 5, 9, 16, 17, 20, 24, 27, 29 and 35 depend from Claims 1, 14, 21, and 32 and further define the invention defined in these claims. Thus, Claims 4, 5, 9, 16, 17, 20, 24, 27, 29 and 35 are also patentably distinguished over the cited references for at least the reasons set forth above with respect to Claims 1, 14, 21 and 32, as well as for other novel and nonobvious features recited therein.

B. Obviousness Rejection Over Kemerer I ('369) in View of Sagane.

In paragraph 12 of the Office action, the Examiner has rejected claims 1, 2, 4, 5, 10-22, 24, 28, 29, 33, 35 and 39 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 4,128,369 to Kemerer et al. ("Kemerer I") in view of Sagane.. Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

The Examiner specifically cites Figures 23-24, column 1, lines 24-32, column 12, lines 41-45, column 13, lines 1-3, and column 27, lines 1-33 of Kemerer I. As shown in Figures 2, 4,

Appl. No. : 10/764,013
Filed : January 23, 2004

8-9, 11, 14, 18 the profile mold belt 20 is in continuous contact with endless belt 42. The profile mold belts 40 and 40 A of Kemerer I are endless belts around the same rollers 76, 78, 80, 82 as belts 38 and 42.

For amended Claim 1, Kemerer I and Sagane fail to disclose at least two first opposed flat endless upper and lower belts attached to a first set of rollers in combination with at least two endless opposing profile mold belts attached to a second set of rollers as recited in Claim 1.

For amended Claim 14, Kemerer I and Sagane fail to disclose a method comprising introducing the moldable material into an end of a mold cavity formed at least in part by inner surfaces of two opposed profiled mold belts attached to a first set of rollers, the profile mold belts partially in contact with inner surfaces of two substantially orthogonal sets of opposed flat belts, wherein the two substantially orthogonal sets of opposed flat belts which are supported by rigid supporting surfaces and are attached to a second set of rollers as recited in Claim 14.

For amended Claim 21, Kemerer I and Sagane fail to disclose an apparatus comprising a first upper belt attached to a first set of rollers, a second lower belt attached to a second set of rollers, a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt, and a second mold belt attached to a fourth set of rollers and opposed to the first mold belt, wherein the second mold belts is at least partially in contact with said second lower belt, as recited in Claim 21.

For amended Claim 32, Kemerer I and Sagane fail to disclose an apparatus comprising a first pair of opposed upper and lower closed loop conveyors spaced apart a first distance, and each supported by a first rigid supporting surface and attached to a first set of rollers, and a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.

As amended Claims 1, 14, 21 and 32 contain limitations not taught or suggested by the combination of Kemerer I and Sagane, these claims are patentable distinguishable from the cited references.

In addition, the Examiner has not shown any suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, that would lead a person having ordinary skill in the art to the combine Kemerer I and Sagane to arrive at the inventions as recited in Claims 1, 14, 21, and 32. One of ordinary skill would not modify the apparatus of Kemerer I with the teachings of Sagane. It is well established that

“[w]hen determining the patentability of a claimed invention which combines two known elements, ‘the question is whether there is something in the prior art *as a whole* to suggest the desirability, and thus the obviousness of making the combination.’” In re Beattie, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992) (quoting Lindemann, 730 F.2d at 1462, 221 U.S.P.Q. at 488). “There must be evidence that ‘a skilled artisan, confronted with the same problems as the inventors and with no knowledge of the claimed invention, *would select the elements* from the cited prior art references for combination in the manner claimed.’” In re Rouffet, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998); *see also*, In re Werner Kotzab, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

First, Sagane uses undriven belts to synchronize the speed at which the fiber is advanced to that of the rollers in contact with the foaming composite. Kemerer uses driven rollers and no fiber. The Examiner has not explained why one of ordinary skill in this art would have been motivated to disregard these significant differences in the processes and combine the reference teachings.

Sagane actually teaches away from such a modification at column 4, lines 19-28:

According to the above process, the foamable liquid is transferred while contained in the bundle of the fibre, allowed to foam up to contact the surfaces of the endless belts, and allowed to complete hardening in contact with the endless belts which advance along with the bundle of the fibre. There is, therefore, no friction between the foamed resin and the endless belts; consequently there can be easily obtained an article having a beautiful surface and shape just equal to the shape of the passage.

In other words, since using a driven belt system would require considerable effort at synchronization of the belt movement with that of the fibers through the device to avoid stresses that could damage the fiber, and would not result in the advantages of allowing the belts to advance along with the fiber, one of ordinary skill in this art would not have been motivated to modify the Sagane process by driving the belts. As a result, the Examiner has failed to establish a *prima facie* case of obviousness, and this rejection should be withdrawn.

Second, Kemerer I teaches away from the claimed combination of elements. Specifically, the mold belts of Kemerer I are “secured as by adherent bonding to a thin wide flexible steel belt layer 42.” Col. 12, lines 41-45. Kemerer I describes an apparatus that always has a mold belt secured to the underlying flat endless belts. Thus, one of ordinary skill would

not modify Kemerer I to achieve the claimed inventions as Kemerer I teaches that the mold belts and flat endless belts are adhered together and continuously in contact.

Accordingly, Applicants respectfully submit that Claims 1, 14, 21 and 32 are allowable over Kemerer I in view of Sagane Claims 4, 5, 10-13, 24, 28, 29, 35, and 39 depend from Claims 1, 14, 21, and 32 and further define the invention defined in these claims. Thus, Claims 4, 5, 10-13, 24, 28, 29, 35, and 39 are also patentably distinguished over the cited references for at least the reasons set forth above with respect to Claims 1, 14, 21 and 32, as well as for other novel and nonobvious features recited therein.

C. Obviousness Rejection Over Kitahama or Iwata in View of Kemerer II ('495).

In paragraph 13 of the Office action, the Examiner has rejected claims 5-8, 24-26, 30,31 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Kitahama or Iwata in view of U.S. Patent No. 5,700,495 to Kemerer et al. ("Kemerer II"). Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Claims 5-8, 24-26, 30, 31, and 35-37 depend from Claims 1, 21, and 32. Thus, each of Claims 5-8 includes all of the limitations of Claim 1, each of Claims 24-26, 30, and 31 includes all of the limitations of Claim 21, and Claims 35-37 includes all of the limitations of Claims 32.

Claim 1 includes limitations not disclosed or suggested by the cited references. For example, Kitahama or Iwata and Kemerer II fail to disclose at least two first opposed flat endless upper and lower belts attached to a first set of rollers in combination with at least two endless opposing profile mold belts attached to a second set of rollers as recited in Claim 1.

Claim 21 includes limitations not disclosed or suggested by the cited references. For example, Kitahama or Iwata and Kemerer II fail to disclose or suggest an apparatus comprising a first upper belt attached to a first set of rollers, a second lower belt attached to a second set of rollers, a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt, and a second mold belt attached to a fourth set of rollers and opposed to the first mold belt, wherein the second mold belts is at least partially in contact with said second lower belt, as recited in Claim 21.

Claim 32 includes limitations not disclosed or suggested by the cited references. For example, Kitahama or Iwata and Kemerer II fail to disclose or suggest an apparatus comprising a first pair of opposed upper and lower closed loop conveyors spaced apart a first distance, and

Appl. No. : 10/764,013
Filed : January 23, 2004

each supported by a first rigid supporting surface and attached to a first set of rollers, and a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.

Thus, Claims 5-8, 24-26, 30, 31, and 35-37 which include the limitations of amended Claims 1, 21, and 32 are patentably distinguishable over Iwata or Kitahama and Kemerer II.

D. Obviousness Rejection Over Berner in View of Sagane and Further in View of Kemerer II ('495).

In paragraph 14 of the Office action, the Examiner has rejected claims 6-8, 25, 26, 30, 31, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Berner in view of Sagane and further in view of Kemerer II. Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Claims 6-8, 25, 26, 30, 31, 36, 37 depend from Claims 1, 21, and 32. Thus, each of Claims 6-8 includes all of the limitations of Claim 1, each of Claims 25, 26, 30, and 31 includes all of the limitations of Claim 21, and Claims 36-37 includes all of the limitations of Claims 32.

Claim 1 includes limitations not disclosed or suggested by the cited references. For example, the combination of Berner, Sagane, and Kemerer II fails to disclose at least two first opposed flat endless upper and lower belts attached to a first set of rollers in combination with at least two endless opposing profile mold belts attached to a second set of rollers as recited in Claim 1.

Claim 21 includes limitations not disclosed or suggested by the cited references. For example, the combination of Berner, Sagane, and Kemerer II fails to disclose or suggest an apparatus comprising a first upper belt attached to a first set of rollers, a second lower belt attached to a second set of rollers, a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt, and a second mold belt attached to a fourth set of rollers and opposed to the first mold belt, wherein the second mold belts is at least partially in contact with said second lower belt, as recited in Claim 21.

Claim 32 includes limitations not disclosed or suggested by the cited references. For example, the combination of Berner, Sagane, and Kemerer II fails to disclose or suggest an apparatus comprising a first pair of opposed upper and lower closed loop conveyors spaced apart a first distance, and each supported by a first rigid supporting surface and attached to a first set of

Appl. No. : 10/764,013
Filed : January 23, 2004

rollers, and a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.

Thus, Claims 6-8, 25, 26, 30, 31, 36, 37 which include the limitations of amended Claims 1, 21, and 32 are patentably distinguishable over Berner in view of Sagane and further in view of Kemerer II.

E. Obviousness Rejection Over Kemerer I in View of Sagane and Further in View of Kemerer II ('495).

In paragraph 15 of the Office action, the Examiner has rejected claims 6-8, 25, 26, 30, 31, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Kemerer I in view of Sagane and further in view of Kemerer II. Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Claims 6-8, 25, 26, 30, 31, 36, 37 depend from Claims 1, 21, and 32. Thus, each of Claims 6-8 includes all of the limitations of Claim 1, each of Claims 25, 26, 30, and 31 includes all of the limitations of Claim 21, and Claims 36-37 includes all of the limitations of Claims 32.

Claim 1 includes limitations not disclosed or suggested by the cited references. For example, the combination of Kemerer I, Sagane, and Kemerer II fails to disclose or suggest at least two first opposed flat endless upper and lower belts attached to a first set of rollers in combination with at least two endless opposing profile mold belts attached to a second set of rollers as recited in Claim 1.

Claim 21 includes limitations not disclosed or suggested by the cited references. For example, the combination of Kemerer I, Sagane, and Kemerer II fails to disclose or suggest an apparatus comprising a first upper belt attached to a first set of rollers, a second lower belt attached to a second set of rollers, a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt, and a second mold belt attached to a fourth set of rollers and opposed to the first mold belt, wherein the second mold belts is at least partially in contact with said second lower belt, as recited in Claim 21.

Claim 32 includes limitations not disclosed or suggested by the cited references. For example, the combination of Kemerer I, Sagane, and Kemerer II fails to disclose or suggest an apparatus comprising a first pair of opposed upper and lower closed loop conveyors spaced apart a first distance, and each supported by a first rigid supporting surface and attached to a first set of

Appl. No. : 10/764,013
Filed : January 23, 2004

rollers, and a pair of opposed mold members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors.

Thus, Claims 6-8, 25, 26, 30, 31, 36, 37 which include the limitations of amended Claims 1, 21, and 32 are patentably distinguishable over Kemerer I in view of Sagane and further in view of Kemerer II.

F. Obviousness Rejection Over Kemerer I in View of Sagane and Further in View of Berner, Kitahama, or Saeki

In paragraph 16 of the Office action, the Examiner has rejected claims 9, 27, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Kemerer I in view of Sagane and further in view of any one of Berner, Kitahama, and Saeki. Applicant respectfully requests that the Examiner consider the arguments below and withdraw this rejection.

Claims 9, 27, and 38 depend from Claims 1, 21, and 32, respectively. Thus, Claim 9 includes all of the limitations of Claim 1, Claim 27 includes all of the limitations of Claim 21, and Claim 38 includes all of the limitations of Claims 32.

Claim 1 includes limitations not disclosed or suggested by the cited references. For example, none of the cited references discloses or suggests at least two first opposed flat endless upper and lower belts attached to a first set of rollers in combination with at least two endless opposing profile mold belts attached to a second set of rollers as recited in Claim 1.

Claim 21 includes limitations not disclosed or suggested by the cited references. For example, none of the cited references discloses or suggests an apparatus comprising a first upper belt attached to a first set of rollers, a second lower belt attached to a second set of rollers, a first mold belt attached to a third set of rollers, wherein the first mold belt is least partially in contact with said first upper belt, and a second mold belt attached to a fourth set of rollers and opposed to the first mold belt, wherein the second mold belts is at least partially in contact with said second lower belt, as recited in Claim 21.

Claim 32 includes limitations not disclosed or suggested by the cited references. For example, none of the cited references discloses or suggests an apparatus comprising a first pair of opposed upper and lower closed loop conveyors spaced apart a first distance, and each supported by a first rigid supporting surface and attached to a first set of rollers, and a pair of opposed mold

Appl. No. : **10/764,013**
Filed : **January 23, 2004**

members attached to a second set of rollers and at least partially in contact with the first pair of opposed upper and lower closed loop conveyors as recited in Claim 32.

Thus, Claims 9, 27, and 38 which include the limitations of amended Claims 1, 21, and 32 are patentably distinguishable over Kemerer I in view of Sagane and further in view of any one of Berner, Kitahama, and Saeki.

V. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant does not concede or acquiesce to any of the rejections in the Office Action. Applicant has not presented arguments concerning whether the combined references are properly combined or that doing so would result in a reasonable expectation of success. Applicant reserves the right to later contest one or more of these issues in a later response. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Appl. No. : 10/764,013
Filed : January 23, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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